

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH**

BRIAN EASON,

Plaintiff,

No. 15CV28990

v.

SUMMONS

ELMER'S RESTAURANTS, INC., an Oregon corporation,
ELMER'S FRANCHISE SYSTEMS, INC., an Oregon
corporation, KARSAN, INC., a Washington corporation,
and SANDRA LEWIS, an individual,

Defendants.

To: Defendant Karsan, Inc., c/o LPSL Corporate Services, Inc.,
1420 Fifth Avenue, Suite 4200, Seattle WA 98101-2375.

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

**NOTICE TO DEFENDANT: READ THESE
PAPERS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff. If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 in Portland metropolitan area or toll free elsewhere in Oregon at (800) 453-7636.

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.


SIGNATURE OF ATTORNEY/AUTHOR FOR PLAINTIFF

Mark McDougal, OSB No. 890869
ATTORNEY'S/AUTHOR'S NAME and BAR NO.
Kafoury & McDougal
411 SW 2nd Ave, Ste 200
Portland OR 97204 (503) 224-2647

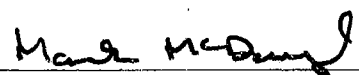

ATTORNEY(S) FOR PLAINTIFF(S)

EXHIBIT 1

RECEIVED
Process NOV 13 2015
Service LANE POWELL PC
TIME 3:00 ATTY W. LIP

Signed for by.
Scott Campbell

10/27/2015 9:54:11 AM
15CV28990

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

BRIAN EASON,

Plaintiff,

v.

ELMER'S RESTAURANTS, INC., an
Oregon corporation, ELMER'S
FRANCHISE SYSTEMS, INC., an
Oregon corporation, KARSAN, INC., a
Washington corporation, and SANDRA
LEWIS, an individual,

Defendants.

Case No.:

COMPLAINT FOR DISCRIMINATION
(42 U.S.C. § 1981, 42 U.S.C. § 2000a,
and RCWA 49.60.030)

NOT SUBJECT TO MANDATORY
ARBITRATION

PRAYER: \$100,000
ORS 21.160(1)(c)

JURY TRIAL DEMANDED

Plaintiff demands a jury trial and alleges:

1.

Defendants Elmer's Restaurants, Inc., and Elmer's Franchise Systems, Inc., (hereinafter, "Elmer's Restaurants") are and at all times mentioned herein have been Oregon corporations engaged in the restaurant business, including four restaurants located in Multnomah County, Oregon and a restaurant located at 7105 NE 40th St., Vancouver, WA near Andresen Road (hereinafter "the Andresen Elmer's"). Elmer's Restaurants conducts regular, sustained business activity in Multnomah County and is headquartered in Multnomah County.

2.

Defendant Karsan, Inc. (hereinafter, "Karsan") is and at all times mentioned herein has been a Washington corporation engaged in the

PAGE 1 – COMPLAINT FOR DISCRIMINATION

KAFOURY & McDOUGAL
411 SW 2nd Ave., Suite 200
Portland, OR 97204
Fax: 503-224-2673
Phone: 503-224-2647

1 restaurant business. Karsan owns and operates the Andresen Elmer's, which
2 is an Elmer's Restaurants franchise. At all times mentioned herein, the agents
3 and employees of Karsan, including but not limited to Lewis and Hope
4 mentioned in paragraphs 3 and 4 below, were actual or apparent agents of
5 Elmer's Restaurants.

6 3.

7 Defendant Sandra Lewis (hereinafter, "Lewis") is and at all times
8 mentioned herein has been co-owner, president, chairman, and director of
9 Karsan.

10 4.

11 On or about December 16, 2014, plaintiff was a customer at the
12 Andresen Elmer's. He had chosen this restaurant because it was not far from
13 his realty office, and he wanted a quiet place to enjoy breakfast while writing
14 out Christmas cards for his client list. He was seated at a table and prepared
15 to order his meal. The waitress, a woman named Hope, took his order, but
16 demanded that he prepay for his meal. The plaintiff asked why, and the
17 waitress explained that she was acting on instructions from the owner, a
18 woman later identified as Lewis. The waitress apologized, acknowledging that
19 the policy was racist but continuing to demand prepayment. The plaintiff
20 prepaid as was demanded of him.

21 5.

22 Other customers present in the restaurant that morning, who were
23 Caucasian, were not required to prepay for their meals.

24 //

25 //

26 //

1 FOR A FIRST CLAIM FOR RELIEF FOR DISCRIMINATION, plaintiff
2 alleges:

3 6.

4 Plaintiff realleges and incorporates by reference paragraphs 1 through 5,
5 above.

6 7.

7 Plaintiff is African-American. At all times mentioned herein, plaintiff was
8 well and appropriately dressed. Plaintiff is employed as a sheriff's deputy in
9 Multnomah County, and as a realtor.

10 8.

11 The Andresen Elmer's is and at all times mentioned herein has been a
12 place of public accommodation within the meaning of RCWA 49.60.030. At
13 least part of the motivation for the above-described conduct by defendant
14 Elmer's Restaurants' employees and agents was the plaintiff's race.

15 9.

16 The above-described conduct violates RCWA 49.60.030, which prohibits
17 discrimination in places of public accommodation on account of race.

18 10.

19 As a result of the above-described discrimination, plaintiff suffered loss
20 of sleep and feelings of racial stigmatization, and continues to suffer, and will
21 in the future suffer from feelings of racial stigmatization, all to his noneconomic
22 damages in the amount of \$100,000.

23 11.

24 Plaintiff is entitled to costs and reasonable attorney fees pursuant to
25 RCWA 49.60.030.

1 FOR A SECOND CLAIM FOR RELIEF FOR DISCRIMINATION, plaintiff
2 alleges:

3 12.

4 Plaintiff realleges and incorporates by reference paragraphs 1 through 7,
5 above.

6 13.

7 The Andresen Elmer's is and at all times mentioned herein has been a
8 place of public accommodation within the meaning of 42 U.S.C. § 2000a. At
9 least part of the motivation for the above-described conduct by defendant
10 Elmer's Restaurants' employees and agents was the plaintiff's race.

11 14.

12 The above-described conduct violates 42 U.S.C. § 2000a, which prohibits
13 discrimination in places of public accommodation on account of race.

14 15.

15 Plaintiff is entitled to injunctive relief, along with costs and reasonable
16 attorney fees pursuant to 42 U.S.C. § 2000a.

17 FOR A THIRD CLAIM FOR RELIEF FOR DISCRIMINATION, plaintiff
18 alleges:

19 16.

20 Plaintiff realleges and incorporates by reference paragraphs 1 through 7,
21 above.

22 17.

23 The above-described conduct violates 42 U.S.C. § 1981, which prohibits
24 interference with the right to make and enforce contracts on account of race.

25 //

26 //

18.

As a result of the above-described discrimination, plaintiff suffered loss of sleep and feelings of racial stigmatization, and continues to suffer, and will in the future suffer from feelings of racial stigmatization, all to his noneconomic damages in the amount of \$100,000.

19.

Plaintiff is entitled to costs and reasonable attorney fees pursuant to 42 U.S.C. § 1988.

20.

Plaintiff is entitled to punitive damages.

WHEREFORE, plaintiff prays for judgment against defendants in the amount of \$100,000 in noneconomic damages, for punitive damages, for reasonable attorney fees pursuant to 42 U.S.C. § 1981 and RCWA 49.60.030, for injunctive relief and reasonable attorney fees pursuant to 42 U.S.C. § 2000a, and for costs and disbursements necessarily incurred herein.

Dated: October 26, 2015.

/s/ Mark McDougal

Gregory Kafoury, OSB #741663
kafoury@kafourymcdougal.com
Mark McDougal, OSB # 890869
mcdougal@kafourymcdougal.com
Jason Kafoury, OSB #091200
jkafoury@kafourymcdougal.com
Attorneys for Plaintiff

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and SANDRA LEWIS, an individual,

Defendants.

To: Defendant Sandra Lewis,
7105 NE 40th Street, Vancouver WA 98661.

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

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Mark McDougal, OSB No. 890869
ATTORNEY'S/AUTHOR'S NAME and BAR NO.
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Portland OR 97204 (503) 224-2647

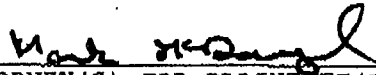

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Dated: October 26, 2015.

/s/ Mark McDougal

Gregory Kafoury, OSB #741663

kafoury@kafourymcdougal.com

Mark McDougal, OSB #890869

mcdougal@kafourymcdougal.com

Jason Kafoury, OSB #091200

jkafoury@kafourymcdougal.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2015, I caused to be served a copy of the foregoing DEFENDANTS KARSAN, INC. AND SANDRA LEWIS'S NOTICE OF REMOVAL on the following person(s) in the manner indicated below at the following address(es):

Gregory Kafoury, Esq.
Mark Gillis McDougal, Esq.
mcdougal@kafourymcdougal.com
Jason Llewellyn Kafoury, Esq.
Kafoury & McDougal
411 SW Second Avenue, Suite 200
Portland, OR 97204-3408

Elizabeth E. Lampson, Esq.
elampson@davisrothwell.com
Davis Rothwell Earle & Xochihua P.C.
111 Southwest Fifth Avenue, Suite 2700
Portland, Oregon 97205-3650

- ☒ by CM/ECF
- ☒ by Electronic Mail
- ☐ by Facsimile Transmission
- ☒ by First Class Mail
- ☐ by Hand Delivery
- ☐ by Overnight Delivery


Joanna R. Brody

PAGE 4 - DEFENDANTS KARSAN, INC. AND SANDRA LEWIS'S NOTICE OF REMOVAL